MR.RAFAEL JASSO

PLAINTIFF/PETITIONER/MOVANT'S NAME

H. H.86397.

PRISON NUMBER

R.J.DONOVAN.

PLACE OF CONFINEMENT

P.O.BOX 799001.

ADDRESS

2254 ✓ 1983

FILING FEE PAID

Yes ___ No ✓

IFP MOTION FILED

Yes ✓ No ___

COPIES SENT TO

Court ✓ ProSe ___

FILED

JUN 20 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY ___ DEPUTY

United States District Court
Southern District Of California

RAFAEL JASSO., Plaintiff/Petitioner/Movant

v.

ROBERT J. HERNANDEZ., Defendant/Respondent

Civil No. '08 CV 1137 LAB PCL

(TO BE FILLED IN BY U.S. DISTRICT COURT CLERK)

MOTION AND DECLARATION UNDER PENALTY OF PERJURY IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS

I, ______________________________,
declare that I am the Plaintiff/Petitioner/Movant in this case. In support of my request to proceed without prepayment of fees or security under 28 U.S.C. § 1915, I further declare I am unable to pay the fees of this proceeding or give security because of my poverty, and that I believe I am entitled to redress.

In further support of this application, I answer the following question under penalty of perjury:

1. Are you currently incarcerated? ☒ Yes ☐ No (If "No" go to question 2)

   If "Yes," state the place of your incarceration R.J.DONOVAN. CORR. FAC.

   Are you employed at the institution? ☐ Yes ☒ No

   Do you receive any payment from the institution? ☐ Yes ☒ No

   [Have the institution fill out the Certificate portion of this affidavit and attach a certified copy of the trust account statement from the institution of your incarceration showing at least the last six months transactions.]

2. Are you currently employed? ☐ Yes ☒ No
   a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer.____

   b. If the answer is "No" state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.____

3. In the past twelve months have you received any money from any of the following sources?:
   a. Business, profession or other self-employment ☐ Yes ☒ No
   b. Rent payments, royalties interest or dividends ☐ Yes ☒ No
   c. Pensions, annuities or life insurance ☐ Yes ☒ No
   d. Disability or workers compensation ☐ Yes ☒ No
   e. Social Security, disability or other welfare ☐ Yes ☒ No
   e. Gifts or inheritances ☐ Yes ☒ No
   f. Spousal or child support ☐ Yes ☒ No
   g. Any other sources ☐ Yes ☒ No

   If the answer to any of the above is "Yes" describe each source and state the amount received and what you expect you will continue to receive each month.____

4. Do you have any checking account(s)? ☐ Yes ☒ No
   a. Name(s) and address(es) of bank(s):________________________
   b. Present balance in account(s):________________________

5. Do you have any savings/IRA/money market/CDS' separate from checking accounts? ☐ Yes ☒ No
   a. Name(s) and address(es) of bank(s):________________________
   b. Present balance in account(s):________________________

6. Do you own an automobile or other motor vehicle? ☐ Yes ☒ No
   a. Make:____________ Year:__________ Model:____________
   b. Is it financed? ☐ Yes ☐ No
   c. If so, what is the amount owed?________________________

7. Do you own any real estate, stocks, bonds, securities, other financial instruments, or other valuable property?

☐ Yes ☒ No

If "Yes" describe the property and state its value.

8. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

NONE.......

9. List any other debts (current obligations, indicating amounts owed and to whom they are payable):

NONE..........

10. List any other assets or items of value (specify real estate, gifts, trusts inheritances, government bonds, stocks, savings certificates, notes, jewelry, artwork, or any other assets [include any items of value held in someone else's name]):

12. If you answered all of the items in #3 "No," and have not indicated any other assets or sources of income anywhere on this form, you must explain the sources of funds for your day-to-day expenses.

NONE.........

I declare under penalty of perjury that the above information is true and correct and understand that a false statement herein may result in the dismissal of my claims.

5/12/08.

DATE

SIGNATURE OF APPLICANT

If you are a **prisoner** you must have an officer from your institution provide this official certificate as to the amount of money in your prison account. There are no exceptions to this requirement.

PRISON CERTIFICATE
(Incarcerated applicants only)
(To be completed by the institution of incarceration)

I certify that the applicant ______________________________,
(NAME OF INMATE)

H·86397·,
(INMATE'S CDC NUMBER)

has the sum of $______________ on account to his/her credit at ______________

______________________________.
(NAME OF INSTITUTION)

I further certify that the applicant has the following securities ______________

to his/her credit according to the records of the aforementioned institution. I further certify that **during the past six months** the applicant's ***average monthly balance*** was $ ______________,

and the ***average monthly deposits*** to the applicant's account was $______________.

ALL PRISONERS ***MUST*** ATTACH A CERTIFIED COPY OF THEIR TRUST ACCOUNT STATEMENT SHOWING TRANSACTIONS FOR THE SIX-MONTH PERIOD IMMEDIATELY PRECEDING THE FILING OF THE COMPLAINT PER 28 U.S.C. § 1915(a)(2).

5/12/08.
DATE

____
SIGNATURE OF AUTHORIZED OFFICER OF INSTITUTION

____
OFFICER'S FULL NAME (PRINTED)

____
OFFICER'S TITLE/RANK

TRUST ACCOUNT WITHDRAWAL AUTHORIZATION
(Incarcerated applicants only)

(This form **MUST** be completed by the prisoner requesting to proceed in forma pauperis.. An incomplete "Trust Account Withdrawal Authorization Form," or "Prison Certificate" will result in automatic denial of the prisoner's request to proceed in forma pauperis.)

I, ______________________________, request and authorize the agency holding me in
(Name of Prisoner/ CDC No.)
custody to prepare for the Clerk of the United States District Court for the Southern District of California, a certified copy of the statement for the past six months of my trust fund account (or institutional equivalent) activity at the institution where I am incarcerated.

I further request and authorize the agency holding me in custody to calculate and disburse funds from my trust fund account (or institutional equivalent) pursuant to any future orders issued by the Court relating to this civil action pursuant to the Prison Litigation Reform Act of 1995, Pub. L. No. 104-134, Title VIII, §§ 801-10, 110 Stat. 1321 (1996).

This authorization is furnished in connection with a civil action filed in the Southern District of California, and I understand that, pursuant to 28 U.S.C. §§ 1914 and 1915(b)(1), the total amount of filing fees for which I am obligated is either ☐ $250 (civil complaint) or ☐ $5 (habeas corpus petition) (check one). I also understand that this fee will be debited from my account regardless of the outcome of this action. This authorization shall apply to any other agency into whose custody I may be transferred.

5/12/08.
DATE

Rafael Tasso
SIGNATURE OF PRISONER

REPORT ID: TS3030 .701 REPORT DATE: 05/29/08

PAGE NO: 1

CALIFORNIA DEPARTMENT OF CORRECTIONS

R.J.DONOVAN CORR. FACILITY

INMATE TRUST ACCOUNTING SYSTEM

INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: NOV. 01, 2007 THRU MAY 29, 2008

ACCOUNT NUMBER : H86397 BED/CELL NUMBER: F10100000000143L

ACCOUNT NAME : JASSO, RALPH ACCOUNT TYPE: I

PRIVILEGE GROUP: A

TRUST ACCOUNT ACTIVITY

DATE	TRAN CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
11/01/2007		BEGINNING BALANCE					14.00
11/02*	DD30	CASH DEPOSIT	2282/POBOX		13.50		27.50
11/15	FC01	DRAW-FAC 1	2536/F13RD			27.00	0.50
12/03*	DD30	CASH DEPOSIT	2731/POBOX		22.50		23.00
12/18	FC01	DRAW-FAC 1	3058/F13RD			23.00	0.00
ACTIVITY FOR 2008							
01/09*	DD30	CASH DEPOSIT	3419/POBOX		18.00		18.00
01/10	W536	COPAY CHARGE	3437/COPAY			5.00	13.00
01/22	FC01	DRAW-FAC 1	3684/F13RD			13.00	0.00
02/05*	DD30	CASH DEPOSIT	4010/POBOX		18.00		18.00
02/19	FC01	DRAW-FAC 1	4290/F13RD			18.00	0.00

* RESTITUTION ACCOUNT ACTIVITY

DATE SENTENCED: 06/14/04 CASE NUMBER: SCS176657

COUNTY CODE: SD FINE AMOUNT: $ 7,000.00

DATE	TRANS.	DESCRIPTION	TRANS. AMT.	BALANCE
11/01/2007		BEGINNING BALANCE		6,307.00
11/02/07	DR30	REST DED-CASH DEPOSIT	15.00-	6,292.00
12/03/07	DR30	REST DED-CASH DEPOSIT	25.00-	6,267.00
01/09/08	DR30	REST DED-CASH DEPOSIT	20.00-	6,247.00
02/05/08	DR30	REST DED-CASH DEPOSIT	20.00-	6,227.00

* THIS STATEMENT DOES NOT REFLECT THE ADMINISTRATIVE FEE CHARGE THAT *
* IS EQUAL TO TEN PERCENT OF THE RESTITUTION AMOUNT COLLECTED. *

REPORT ID: TS3030 .701 REPORT DATE: 05/29/08

PAGE NO: 2

CALIFORNIA DEPARTMENT OF CORRECTIONS

R.J.DONOVAN CORR. FACILITY

INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: NOV. 01, 2007 THRU MAY 29, 2008

ACCT: H86397 ACCT NAME: JASSO, RALPH ACCT TYPE: I

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
14.00	72.00	86.00	0.00	0.00	0.00

CURRENT AVAILABLE BALANCE
0.00

THE WITHIN INSTRUMENT IS A CORRECT COPY OF THE TRUST ACCOUNT MAINTAINED BY THIS OFFICE.
ATTEST: 5-29-08
CALIFORNIA DEPARTMENT OF CORRECTIONS
BY [signature]
TRUST OFFICE

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA)
) SS
COUNTY OF SAN DIEGO)

[C.C.P. §§ 446, 2015.5; 28 U.S.C. §1746]

I, Rafael Jasso am a resident of the State of California and am over the age of eighteen years and am not a party to the above-entitled action. My address is listed below.

On 5·29·08, I served the following documents:

Legal Work. Writ of Habeas Corpus.

by placing a true copy thereof enclosed in a sealed envelope with First Class postage thereon fully prepaid in the United States Mail by delivering to prison officials for processing through the Institution's internal legal mail system at San Diego California, addressed as follows::

United States District Court.

Southern District of California.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct. Executed in the County of San Diego, California on 5·29·08

Rafael Jasso
F4·1·143c

P.O. Box 9001·92179-9001.
San Diego, CA 92179-9001.

Pursuant to the holding of the United States Supreme Court in Houston v. Lack 108 S. Ct. 2379, 487 U.S. 266, 101 L.Ed.2d 245 (1988) and FRAP, Rule 4 (c) inmate legal documents are deemed filed on the date they are delivered to prison staff for processing and mailing via the Institution's internal legal mail procedures.